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MELANIE B. YASBIN
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ENTERED
Office of Proceedings

SEP 21 2010

Part of
Public Record

September 20, 2010

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-330 (Sub-No. 4X),
*Otter Tail Valley Railroad Company, Inc.—Abandonment
Exemption—in Otter Tail County, MN*

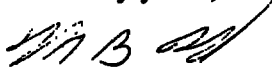
Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for the Otter Tail Valley Railroad Company, Inc. ("OTVR") to abandon 0.833 miles of line in Otter Tail County, MN, between milepost 48.422 near Fergus Falls and milepost 47.60, near Hoot Lake. Also enclosed are a check from OTVR for the filing fee of \$3,600 and a computer diskette containing the Notice in Word and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return them in the enclosed self addressed stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,



Melanie B. Yasbin
Attorney for Otter Tail Valley Railroad Company, Inc.

Enclosures



227834
THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

FILED
SEP 21 2010
SURFACE
TRANSPORTATION BOARD

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SEP 21 2010
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-330 (Sub-No. 4X)

OTTER TAIL VALLEY RAILROAD COMPANY, INC.—ABANDONMENT
EXEMPTION—IN OTTER TAIL COUNTY, MN

VERIFIED NOTICE OF EXEMPTION

ENTERED
Office of Proceedings
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FILED
SEP 21 2010
SURFACE
TRANSPORTATION BOARD

Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904) 538-6329

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250

Attorneys for: Otter Tail Valley
Railroad Company, Inc.

Dated: September 21, 2010

FEE RECEIVED
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SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-330 (Sub-No. 4X)

OTTER TAIL VALLEY RAILROAD COMPANY, INC.—ABANDONMENT
EXEMPTION—IN OTTER TAIL COUNTY, MN

VERIFIED NOTICE OF EXEMPTION

Otter Tail Valley Railroad Company, Inc. (“OTVR”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for OTVR to abandon 0.822 miles of line in Otter Tail County, MN, between milepost 48.422 and milepost 47.60 (“Line”). No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines.

Based on information in the possession of OTVR, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

There are no local shippers on the Line. There has been no traffic on the Line for over 2 years.

1. Proposed consummation date. The proposed abandonment date is November 10, 2010.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. Otter Tail Valley Railroad Company, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. OTVR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. OTVR seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 0.822 miles of line in Otter Tail County, MN between milepost 48.422 near Fergus Falls and milepost 47.60.

(4) Map. See Exhibit B-1.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2205.

(8) List of all United States Postal Service ZIP Codes that the line segments proposed for abandonment traverse. The line segments traverse ZIP Codes 56537.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.


OTVR believes that the property proposed for abandonment is suitable for other public purposes. Otter Tail Power Corporation, one of OTVR's largest shippers proposes to purchase a portion of the right-of-way.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Combined Environmental and Historic Report. The Combined Environmental and Historic Report is attached as Exhibit D.

Respectfully submitted,



Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904)538-6329

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250

Attorneys for: Otter Tail Valley
Railroad Company, Inc.

Dated: September 21, 2010

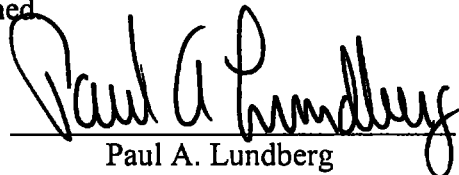
EXHIBIT A—VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

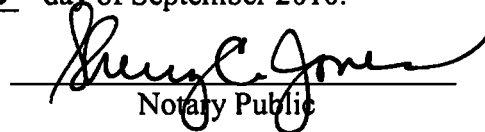
I, Paul A. Lundberg, being duly sworn depose and state that I am a Vice President of RailAmerica,, Inc., and Vice-President of its subsidiary, Otter Tail Valley Railroad ("OTVR"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

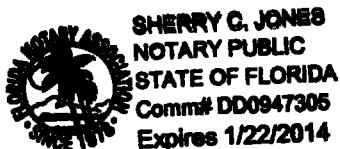
I hereby certify that no local traffic has moved over OTVR's 0.822 miles of line, between milepost 48.422 and milepost 47.60 in Otter Tail County, MN for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of OTVR by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


Paul A. Lundberg

SUBSCRIBED AND SWORN TO before me this 6th day of September 2010.

My Commission Expires: 01/22/2014

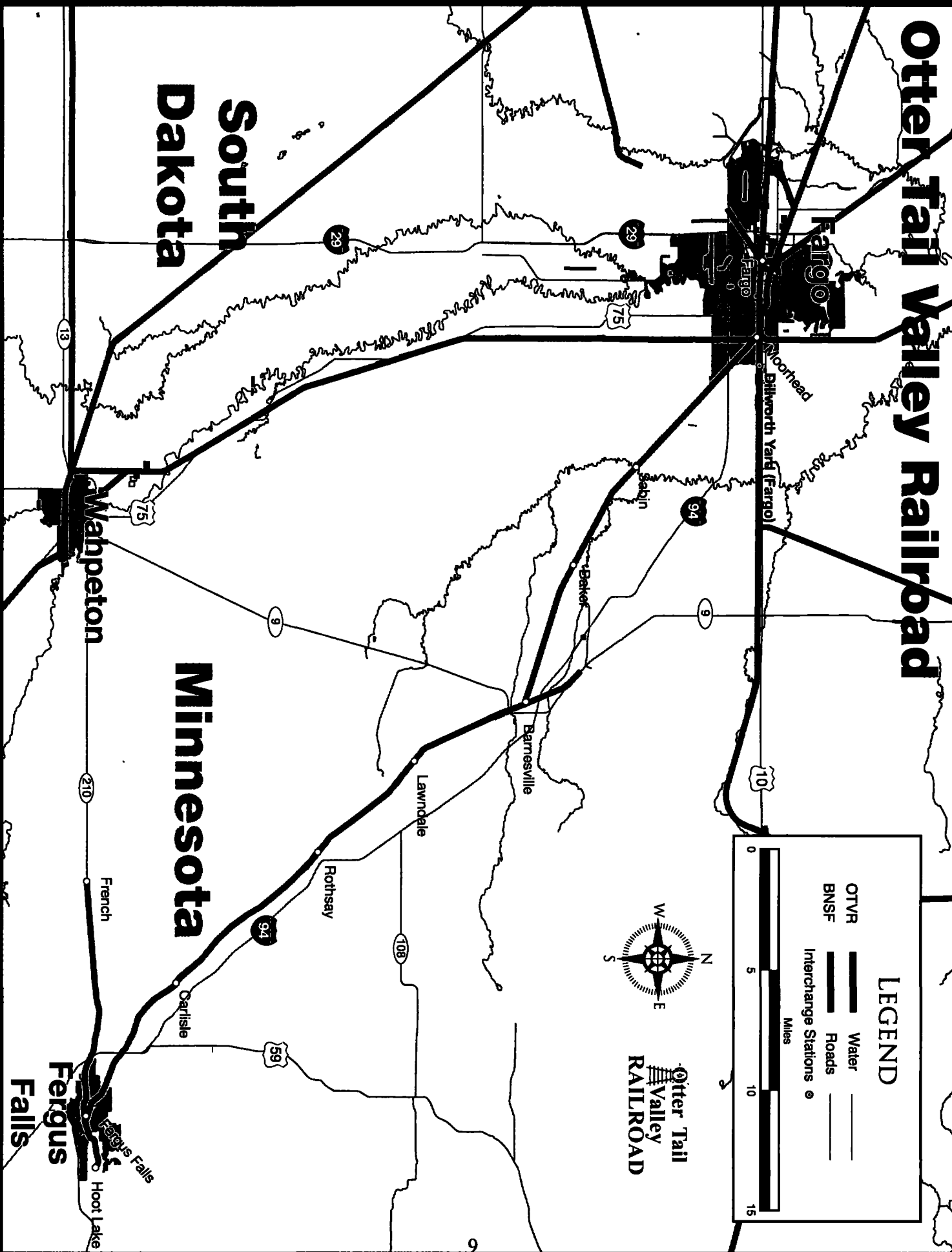

Notary Public



SHERRY C. JONES

EXHIBIT B—MAP OF LINE

Otter Tail Valley Railroad





GRAPHIC SCALE



I hereby certify that this survey and report were prepared by me or under my direct supervision and that I am a duly licensed surveyor under the laws of the state of Minnesota.

Robert W. Sefers 1/30/2010

Robert W. Sefers

Lic No. A1873

NORTH-EAST CORNER
SECTION 26, T14N, R13W

EAST QUARTER CORNER
SECTION 26, T14N, R13W

SECTION 26, T14N, R13W
100.0000'
100.0000'

CONTAINS 11.3 ACRES

100.0000' N 80.00° E 210.00'

CENTER OF OTHER T14N, R13W

75.0000'

N 107.00° E 1783.00'

POINT OF BEGINNING
CONTIGUOUS TO MAIN STREET

SE1/4-SW1/4

SW1/4-SE1/4

SE1/4-SE1/4

N 139°30' E 696.27'

SECTION 26, T14N, R13W
(CITY BOUNDARY)

SOUTH QUARTER CORNER
SECTION 26, T14N, R13W

SECTION 26, T14N, R13W



EXHIBIT C-CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-330 (Sub-No. 4X) was mailed via first class mail on September 8, 2010, to the following parties:

State Public Service Commission

Minnesota Department of Transportation
Office of Freight, Rail & Waterways
Mail Stop 470
395 John Ireland Boulevard
St. Paul, MN 55155

Military Traffic Management Command

Headquarters, Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Attention: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scotts AFB, IL 62225-5357

National Park Service

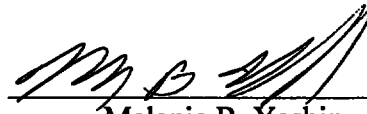
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC

National Park Service

U.S. Department of Interior
National Park Service
National Center for Recreation & Conservation
1849 C Street, N.W.
Washington, DC 20240-0001

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
Mailstop: 1144
1400 Independence Avenue, S.W.
Washington, DC 20250



Melanie B. Yasbin
September 21, 2010

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-330 (Sub-No. 4X) was advertised on September 10, 2010 in the Fergus Falls Daily Journal, a newspaper of general circulation in Otter Tail County, as required by 49 C.F.R. § 1105.12.

A handwritten signature in black ink, appearing to read 'Melanie B. Yasbin', written over a horizontal line.

Melanie B. Yasbin
September 21, 2010

EXHIBIT D

AFFIDAVIT OF PUBLICATION

State of Minnesota

S.S.

COUNTY OF OTTER TAIL

Linda Reese being
duly sworn on oath says
that he/she is the publisher or authorized agent and employee of the
publisher of the newspaper known as Fergus Falls Daily Journal, and has full
knowledge of the facts which are stated below.

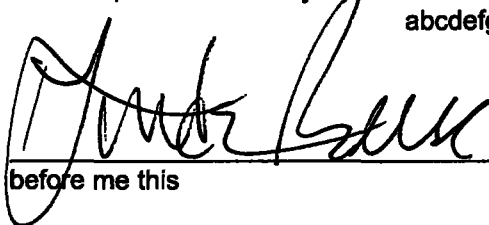
(A) The newspaper has complied with all of the requirements constituting
qualification as a qualified newspaper, as provided by Minnesota Statute
331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed legal which is attached was cut from the columns of said
newspaper, and was printed and published on

9/10/10

and printed below is a copy of the lower case alphabet from A to Z, both
inclusive, which is hereby a notice:

abcdefghijklmnopqrstuvwxyz



Subscribed and sworn to

before me this

9/10/10





LEGAL

(First Publication September 10, 2010)

NOTICE

Otter Tail Valley Railroad Company, Inc. ("OTVR") gives notice that on or about September 21, 2010, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart E Exempt Abandonments, permitting OTVR to abandon 0.822 miles of line in Otter Tail County, between milepost 48.422 and milepost 47.6, which traverses through United States Postal Service ZIP Code 56537. This proceeding will be docketed as No. AB-330 (Sub-No. 4X).

The Board's Section of Environmental Analysis will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Chief, Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)); and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative; Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2205, email at Melanie@lgrailaw.com.

Publication Date: September 10, 2010

CERTIFICATION OF COMPLIANCE

The undersigned hereby certifies that the requirements of 49 C.F.R. §1105.7, 49 C.F.R. §1105.8(d), and 49 C.F.R. §1105.11 have been complied with in Docket No. AB-330 (Sub-No. 4X).

A handwritten signature in black ink, appearing to read 'MBY', is written over a horizontal line.

Melanie B. Yasbin
September 21, 2010

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-330(Sub-No. 4X) was mailed via first class mail on September 1, 2010, to the following parties:

Chairperson
Otter Tail County Commissioners
515 Fir Avenue West
Fergus Falls, MN 56537

Mayor Hal Leland
112 W. Washington Avenue
P.O. Box 868
Fergus Falls, MN 56537

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

Minnesota Historical Society
345 Kellogg Boulevard West
St. Paul, MN 55102-1906

Minnesota Department of Natural Resources
Division of Waters
1568 Highway 2
Two Harbors, MN 55616

U.S. Army Corp. of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

Natural Resources Conservation Service
USDA
375 Jackson Street
St. Paul, MN 55101-1854

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

U.S. National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

Environmental Protection Agency
Region 5
Medcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

U.S. Fish and Wildlife Service
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111-4056

A handwritten signature in black ink, appearing to read 'Melanie B. Yasbin', written over a horizontal line.

Melanie B. Yasbin
September 21, 2010

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-330 (Sub-No. 4x)

**OTTER TAIL VALLEY RAILROAD COMPANY, INC.—ABANDONMENT EXEMPTION—
IN OTTER TAIL COUNTY, MN**

Dated: September 1, 2010

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Otter Tail Valley Railroad Company, Inc. ("OTVR") proposes to abandon a 0.822-mile railroad line between milepost 48.422 near Fergus Falls and milepost 47.60, near Hoot Lake, in Otter Tail County, Minnesota (the "Line"). Upon receipt of abandonment authority, Otter Tail Power Corporation ("OTP"), who is one of OTVR's largest shippers, proposes to purchase a portion of the right-of-way.

All of the track and material have previously been removed from the Line. OTVR's records do not indicate when the track and material were removed. Therefore, abandonment of the Line will not result in any additional salvage on the Line. There are no public or private crossings on the Line.

There has been no local or overhead traffic on the Line for over 2 years.

The only alternative to a full abandonment would be for OTVR not to abandon the Line. The Line is located in an area where additional industrial development is unlikely to occur. With little, if any, potential traffic, OTVR has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) OTVR considers the proposed abandonment to be consistent with existing land use plans. The area surrounding the Line is generally rural in nature.

OTVR contacted the city of Fergus Falls, MN, and County of Otter Tail, MN, by letters dated September 1, 2010. See Exhibit 2. No response has been received as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) OTVR does not believe that there is any prime agricultural land that will be affected. OTVR notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated September 1, 2010, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. A copy of this report has been supplied to the USDA for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) OTVR does not know whether the Line would be suitable for interim trail use/rail banking because BNSF Railroad Company ("BNSF") the owner of the underlying real estate intends to sell the right-of-way to OTP. See *Otter Tail Valley Railroad Company-Acquisition and Operation Exemption-Burlington Northern Railroad Company*, ICC Finance Docket No. 30915 (ICC served October 23, 1986). BNSF is the successor to the Burlington Northern Railroad Company ("BN").

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on the Line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed

action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. OTVR ceased operating over the Line more than two years ago.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) OTVR is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) OTVR does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. OTVR notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated September 1, 2010, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See Exhibit 2.* A copy of this Report was supplied to the USF&W for its information and further comment.

(ii) OTVR is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment.

OTVR notified the National Parks Service of the proposed abandonment by letter dated September 1, 2010, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See Exhibit 2.* To date, no response to this request has been received. A copy of this Report has been supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) OTVR is confident that the proposed abandonment will be consistent with applicable water quality standards. OTVR contacted the Minnesota Department of Natural Resources ("MNDNR") and the United States Environmental Protection Agency ("USEPA") by letters dated September 1, 2010. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report has been supplied to the MNDNR and USEPA for their information and comment.

(ii) OTVR believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. OTVR does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, OTVR does not believe a permit under Section 404 of the Clean Water Act will be required.

OTVR contacted the U.S. Army Corps of Engineers by letter dated September 1, 2010 and has received no response to date. *See Exhibit 2.* A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) OTVR believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. OTVR contacted the MNDNR and the USEPA by letter dated September 1, 2010. *See Exhibit 2.* A copy of this Report has been supplied to the MNDNR and USEPA for their information and further comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

OTVR does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. OTVR will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the Minnesota Historical Society

See Exhibit 3.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

The 0.822-mile right-of-way is approximately 80 feet wide and consists of 11.3 acres of land. The western end of the Line begins at milepost 48.422, north of Main Street, and travels in a northeasterly direction until it crosses the Otter Tail River. The Line proceeds east until it terminates at milepost 47.60.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or structures on the property that are 50 years old or older.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Not applicable.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

In 1881, the Board of the Northern Pacific Railroad authorized the construction of a line extending from Wadena, MN, to Fergus Falls. The State of Minnesota granted the railroad land for the construction of the railroad on the condition that construction began by March 1, 1882. The line was to be built from a point on the Northern Pacific Railroad at or near Wadena, southwest through Fergus Fall, which includes the Line OTVR wishes to abandon, and then northward via Pelican Rapids to a junction with the Northern Pacific.

BNSF's predecessor purchased the Line from the Great Northern Railway Company, a successor of the Northern Pacific Railroad. OTVR acquired the Line from BN pursuant to a Purchase and Sale Agreement dated August 4, 1986.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

OTVR possesses valuation maps and track charts of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other **previously unknown historic properties in the project area, and the basis for these opinions** (including any consultations with the State Historic Preservation Office, local historical societies or universities);

OTVR believes that there are no archeological resources or other railroad related historic properties in the project area.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

Based on a review of its records, OTVR believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

OTVR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously

submitted. But, if any additional information is requested, OTVR will promptly supply the necessary information.

OTVR contacted the Minnesota Historical Society ("MNHS"). *See* Exhibit 2. No response has been received. A copy of this Report has been mailed to MNHS.

EXHIBIT 1 – MAP

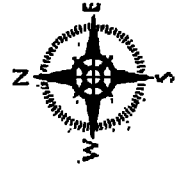
Otter Tail Valley Railroad

LEGEND

OTVR
BNSF

Water
Roads
Interchange Stations

Miles
0 5 10 15



Otter Tail
Valley
RAILROAD

South
Dakota

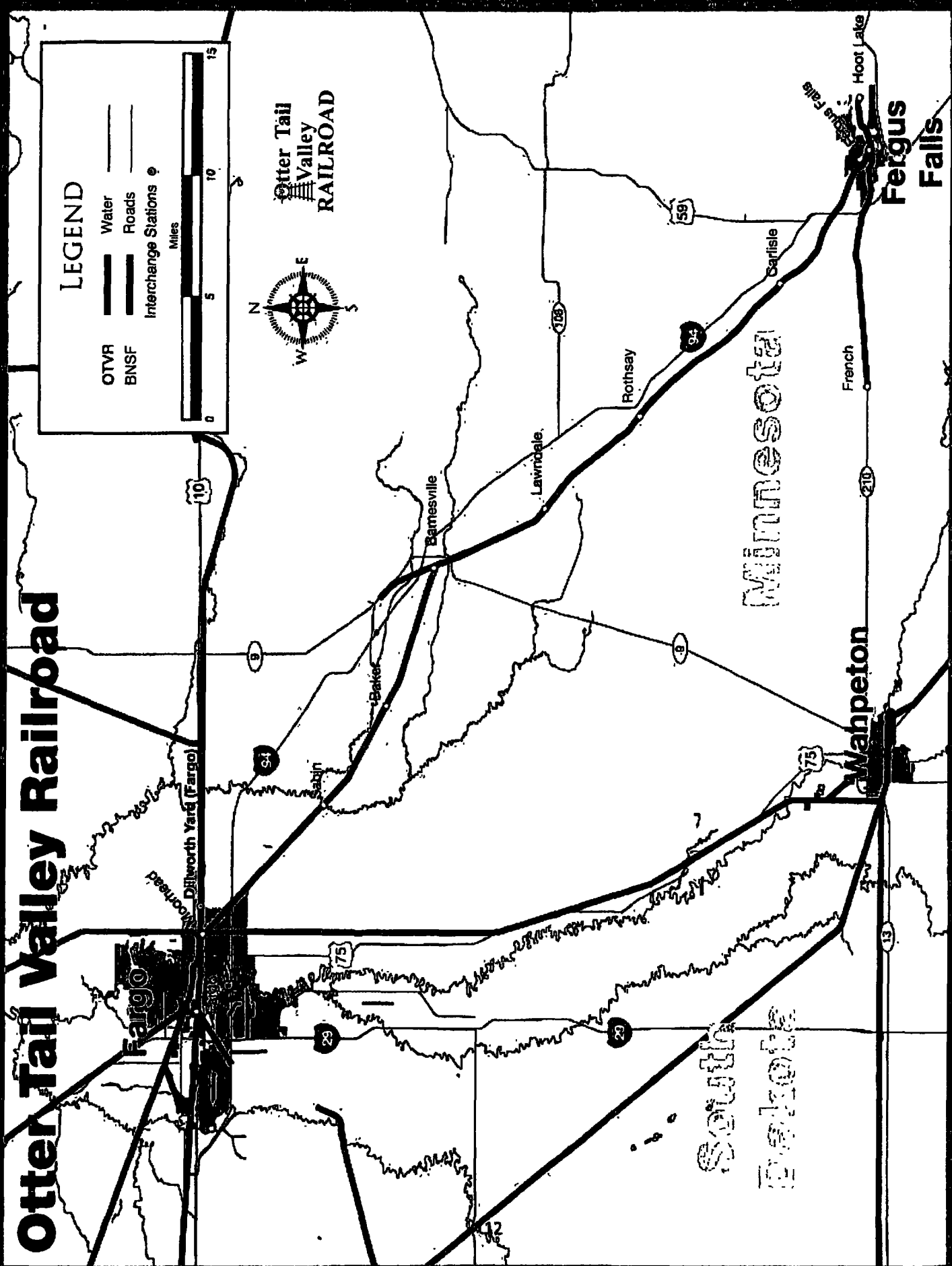
Minnesota

Fergus
Falls

Wanpeton

Fargo

Dillworth Yard (Fargo)



Robert Lowe 3/30/2010
 Robert Lowe Lt. No. 21873

U.S. 44-13875

Answer to Question

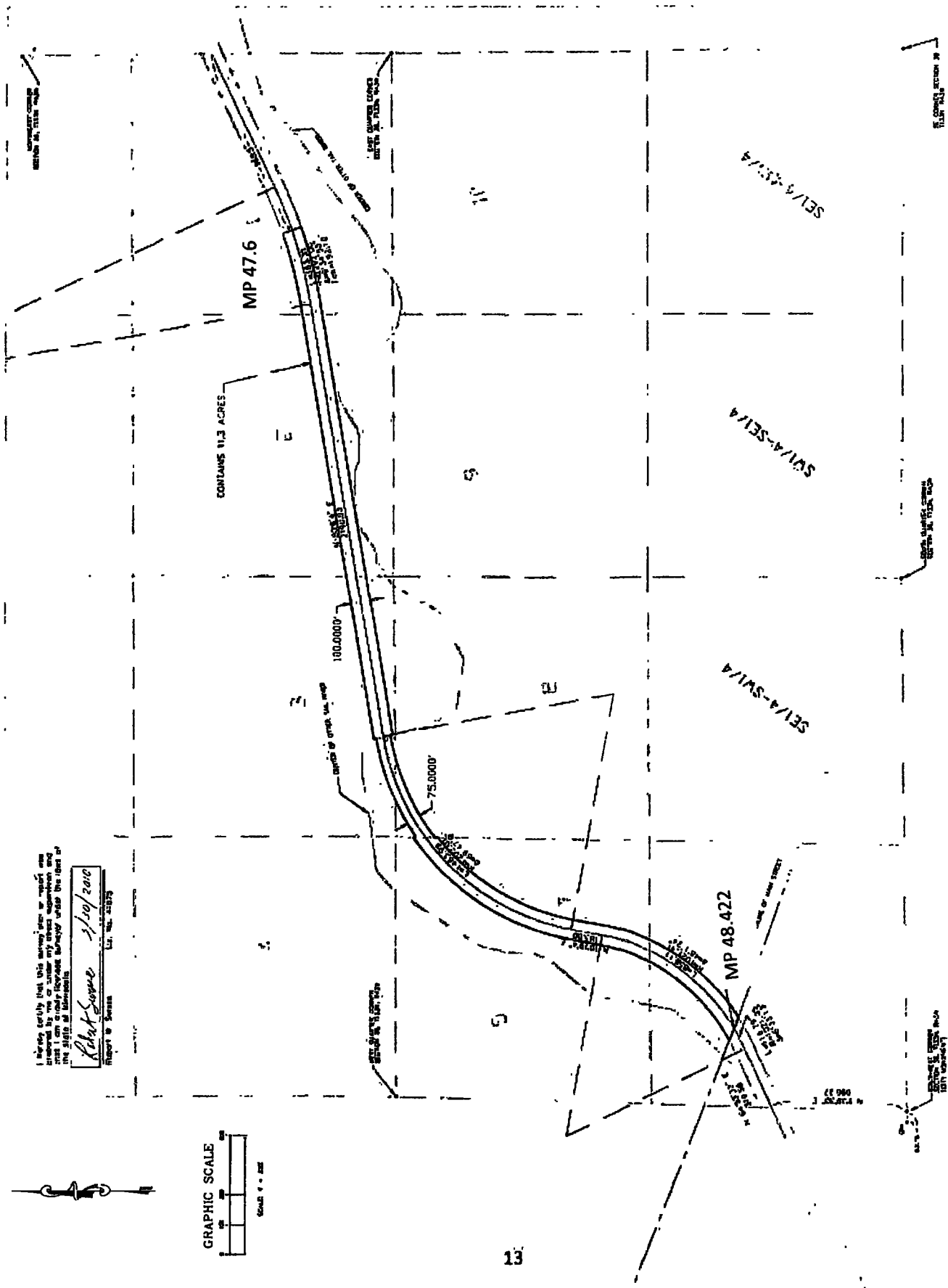
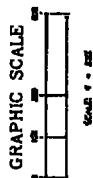


EXHIBIT 2 – LETTERS

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

Chairman Gary Lien
Otter Tail County Commissioners
515 Fir Avenue West
Fergus Falls, MN 56537

RE: Docket No. AB-330 (Sub-No. 4X), *Otter Tail Valley Railroad Company, Inc.—
Abandonment Exemption—in Otter Tail County, MN.*


Dear Mr. Lien:

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Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-330 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2205, email at Melanie@lgrailaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,



Melanie B. Yasbin
Attorney for Otter Tail Valley Railroad Company, Inc.

Enclosures

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MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

Environmental Protection Agency
Region 5
Medcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

RE: Docket No. AB-330 (Sub-No. 4X). *Otter Tail Valley Railroad Company, Inc.—
Abandonment Exemption—in Otter Tail County, MN.*

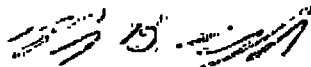
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MELANIE B. YASBIN
MELANIE@LGRAIL.LAW.COM

September 1, 2010

U.S. Fish and Wildlife Service
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111-4056

RE: Docket No. AB-330 (Sub-No. 4X), *Otter Tail Valley Railroad Company, Inc.—
Abandonment Exemption—in Otter Tail County, MN*

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TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

Mayor Hal Leland
112 W. Washington Avenue
P.O. Box 868
Fergus Falls, MN 56537

RE: Docket No. AB-330 (Sub-No. 4X), *Otter Tail Valley Railroad Company, Inc.—
Abandonment Exemption—in Otter Tail County, MN.*

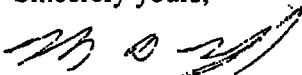
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MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

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Abandonment Exemption—in Otter Tail County, MN.*

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MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4040

RE: Docket No. AB-330 (Sub-No. 4X), *Otter Tail Valley Railroad Company, Inc.—
Abandonment Exemption—in Otter Tail County, MN.*

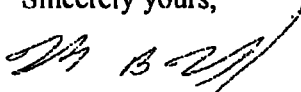
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MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

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MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

U.S. National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

RE: Docket No. AB-330 (Sub-No. 4X), *Otter Tail Valley Railroad Company, Inc.—
Abandonment Exemption—in Otter Tail County, MN.*

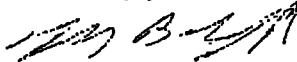
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(202) 466-6532
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September 1, 2010

Minnesota Historical Society
345 Kellogg Boulevard West
St. Paul, MN 55102-1906

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Abandonment Exemption—in Otter Tail County, MN.*

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THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

September 1, 2010

Minnesota Department of Natural Resources
Division of Waters
1568 Highway 2
Two Harbors, MN 55616

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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2205, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,



Melanie B. Yasbin
Attorney for Otter Tail Valley Railroad Company, Inc.

Enclosures

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

September 1, 2010

U.S. Army Corp. of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

RE: Docket No. AB-330 (Sub-No. 4X), *Otter Tail Valley Railroad Company, Inc. —
Abandonment Exemption—in Otter Tail County, MN.*

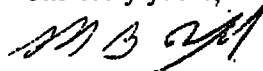
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September 1, 2010

Natural Resources Conservation Service
USDA
375 Jackson Street
St. Paul, MN 55101-1854

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Abandonment Exemption—in Otter Tail County, MN.*

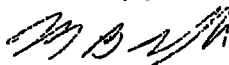
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Enclosures

EXHIBIT 3 – USGS MAPS



EXHIBIT E – COLOR EXHIBITS

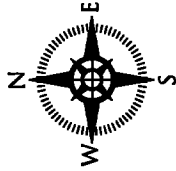
Otter Tail Valley Railroad

LEGEND

OTVR
BNSF

Water
Roads
Interchange Stations

Miles
0 5 10 15



Otter Tail
Valley
RAILROAD

Minnesota

South
Dakota

Fergus
Falls

Wahpeton

Fargo

Dillworth Yard (Fargo)

French

Hoot Lake

Fergus Falls

Rothsay

Lawndale

Barnesville

Dakota

Shubin

9

10

94

29

75

29

9

59

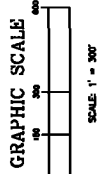
94

108

210

13

75



I hereby certify that this survey plan or report was prepared by me or under my direct supervision and that I am a duly licensed surveyor under the laws of the State of Minnesota.

Robert W. Sene 3/30/2010

Robert W. Sene Lic No 41075

